

REMARKS*Objection to the specification*

In response to the objection, the specification has been amended to include serial numbers of related applications.

Objection to the claims

In response to the claim objections in item 2, page 2, of the Office Action dated 02/07/2007, Applicant respectfully traverses. Applicant intended to use the word “telematics” and not “telemetrics”, as suggested in the Office Action. Support for use of the word “telematics” can be found throughout Applicant’s specification, e.g. Applicant’s specification, page 2, lines 21 – 24 and page 10, lines 20 – 22. Therefore, Applicant respectfully requests that this objection be withdrawn.

Rejection of claims 1 – 30 under 35 U.S.C. § 102(b) as being anticipated by US 6,023,232 (Eitzenberger)

Applicant respectfully traverses the rejection of claims 1 – 30.

MPEP § 2131 provides: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that Eitzenberger does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, 10, 11, 20, 21, and 30. Specifically, independent claims 1, 10, 11, 20, 21, and 30 require “a plurality of communication

interfaces in a wireless communication device” and “polling, by a first application, at least one communication interface of said plurality of communication interfaces to determine whether said at least one communication interface has become available” which are not anticipated either expressly or inherently, in Eitzenberger.

Eitzenberger is directed to a vehicle communication system which includes a central computer installed in a vehicle for performing data networking applications. Individual/communication devices are coupled to the central computer using interfaces. The individual devices can be used by different data networking applications based on an adaptive application control integrated into the computer. Access to one of the individual devices is granted to one of the data networking applications based on prioritization of the data networking applications. Eitzenberger, Abstract, column 4, line 57 – column 5, line 20, and column 7, line 65 – column 8, line 4.

Applicant respectfully disagrees with the statement in item 4, page 3, of the Office Action dated 02/07/2007 that Eitzenberger describes “providing a plurality of communication interfaces in a wireless communication device” in column 4, lines 39 – column 5, lines 20 and FIG.1. The cited passage, in contrast, discloses a central computer with a plurality of interfaces. Furthermore, Eitzenberger discloses that the central computer is installed (note wireless) in an automobile or a truck. Eitzenberger, column 4, lines 27 – 29. In Eitzenberger, there is no mention of the central computer being a wireless communication device or anything but a computer installed in a vehicle.

Furthermore, Applicant respectfully disagrees with the statement in item 4, page 3, of the Office Action dated 02/07/2007 that Eitzenberger describes “polling, by a first application, at least one communication interface of said plurality of communication interfaces to determine whether said at least one communication interface has become available” in FIG.1, FIG.2, column 4, lines 57 – column 5, lines 20, and column 5, lines 48 – 65. The cited passage, in contrast, discloses checking the availability of a communication device. Specifically, checking is performed by Eitzenberger’s adaptive application control prioritizing data networking applications that require access to the communication device and providing access to the

communication device based upon a priority of the application. Eitzenberger, column 7, line 65 – column 8, line 4. Hence, Eitzenberger, at best, describes providing access based on prioritization of data networking applications. Id. Therefore, the claimed feature of “polling” is not anticipated by Eitzenberger.

Furthermore, Applicant respectfully disagrees with the statement in item 4, page 3, of the Office Action dated 02/07/2007 that Eitzenberger describes “polling, by a first application, at least one communication interface of said plurality of communication interfaces to determine whether said at least one communication interface has become available” in FIG.1, FIG.2, column 4, lines 57 – column 5, lines 20, and column 5, lines 48 – 65. The cited passage, in contrast, discloses checking the availability of a required device and the network the required device is connected by using identifiers for safe data transfer. The check is only limited to the required device and the check is not expanded to one device of a plurality of devices. Further, because Eitzenberger describes the device as required, Eitzenberger teaches away from the device being one of the plurality of devices being checked.

In view of the foregoing, Applicant respectfully submits that Eitzenberger does not disclose “a wireless communication device” or “polling” or “polling, by a first application, at least one communication interface of said plurality of communication interfaces”. Applicant therefore submits that claims 1, 10, 11, 20, 21 and 30 are not anticipated by Eitzenberger, and therefore that the rejection of claims 1, 10, 11, 20, 21 and 30 under 35 USC 102(b) is improper and should be withdrawn. Applicant requests that claims 1, 10, 11, 20, 21 and 30 may now be passed to allowance.

Dependent claims 2 – 9, 12 – 19, and 22 – 29 depend from, and include all the limitations of independent claims 1, 10, 11, 20, 21 and 30, which are shown to be allowable for the reasons given above. Therefore, Applicant respectfully submit that dependent claims 2 – 9, 12 – 19, and 22 – 29 are in proper condition for allowance and request that claims 2 – 9, 12 – 19, and 22 – 29 may now be passed to allowance.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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